Examination into the Havering Local Plan 2016 - 2031

Document from London Borough of Havering to the Inspector

Responses to Inspector questions on August 13 2019 about the Regulation 19 response from Highways England

September 19th 2019 (replaces August 21st 2019 version)
**Havering Local Plan – responses from Havering to Inspector questions on the Highways England Regulation 19 response**

The Inspector has asked in her e-mail of August 13 2019 for clarification about the Regulation 19 response from Highways England.

This document sets out the Council responses to these matters.

**Inspector questions dated August 13 2019 on the Regulation 19 representation from Highways England**

The Inspector has commented:

In their consultation response at Regulation 19 stage, Highways England (HE) raised concerns regarding the gypsy and traveller site allocation at Putwell Bridge and an objection to an allocation of one of the areas suitable for wind energy development under policy 36. I have made a note that the Council indicated at the October hearings that the latest Statement of Common Ground (SoCG) with HE, which was not before me at that stage, would confirm that all of their objections had been overcome. Looking at the SoCG sent to me in June however, this does not appear to be the case. The latest document concentrates on strategic highway issues, rather than the more detailed policy concerns set out in their consultation response.

Can the Council therefore confirm whether discussions have taken place with HE with the view to resolving their concerns in relation to these allocations. For example, for Putwell Bridge, are there mitigation measures that could be put in place and, if so, can the Council suggest modifications to the policy to address HEs concerns? Can the Council suggest modifications to Policy 36? I would request, if this has not already been done, that the Council discuss the situation with HE as soon as possible and confirm whether HE still have soundness concerns and whether those could be addressed by modifications”.

The Council’s response is as follows:

**Overview of the position with Highways England**

The document reviewed by the Inspector in June 2019 after the May Examination hearing sessions is the latest Memorandum of Understanding (MoU) between the Council and Highways England. (Highways England has noted that it is a Memorandum of Understanding rather than a Statement of Common Ground and the remainder of this response has been adjusted to recognise this).

The Council acknowledges that the MoU focusses on strategic transport matters and does not resolve the matters referred to in the Highways England Regulation 19 response regarding Putwell Bridge and Policy 36 (Low carbon design, decentralised energy and renewable energy).

The Council regrets any confusion resulting from this and the comments made at the May Examination hearings.

To address the Inspector’s concerns, the Council is seeking to have this MoU document updated with Highways England to reflect the current position in regard to the Putwell Bridge Gypsy and Traveller site and Policy 36.

When the further updated and revised MoU document is available, the Council will submit it to the Inspector.
In the meantime, and pending completion of the updated and revised MoU, the Council wishes to comment as follows, firstly on the Putwell Bridge Gypsy and Traveller site and then Policy 36.

**Putwell Bridge Gypsy and Traveller site**

The Putwell Bridge site is an established site occupied by Gypsies and Travellers which is located on the south side of the A12 Trunk Road close to the eastern boundary of the borough.

The Putwell Bridge site has been occupied by Gypsies and Travellers for approximately 8 years.

The Council is not aware of any concerns from the occupiers of the site about its suitability for residential use raised through the Council’s Gypsy and Traveller Family / Education Liaison officer or any other forum. During the interview with the households on the site during the completion of the GTAA the households commented that it is a large site with plenty of space for the residents currently living here and adequate space for future expansion to meet their needs.

Policy 11 of the submission Local Plan deals with Gypsy and Traveller accommodation and identifies several sites for such accommodation including the site at Putwell Bridge.

As a result of discussions at the October 2018 Examination hearings with the Inspector and other parties, the Council has proposed extensive revisions to Policy 11 Gypsy and Traveller Accommodation.

An extensive consultation was undertaken in April 2019 on the draft revisions to Policy 11 Gypsy and Traveller accommodation. This included statutory consultees as well as neighbours to the sites and residents on them.

As a statutory consultee, Highways England were consulted within this consultation. Highways England did not respond about the Putwell Bridge site (or any other proposed sites for Gypsy and Traveller accommodation). It is also noted that Highways England did not attend the Examination hearings (in either October 2018 or May 2019) nor did it submit a statement(s) on this matter.

Notwithstanding the above, Policy 11 is to be further modified to address matters raised by the Inspector at the May Examination hearings. The Council is undertaking this work at the time or preparing this response. It envisages that once the further revisions have been approved and submitted to the Inspector and approved for inclusion in the proposed Main Modifications, it will be the subject of further statutory public consultation for 6 weeks. This will include all statutory consultees (including Highways England and the gypsy and traveller community including the residents on this site).

In considering the residential environment at the Putwell Bridge site, it should be noted that the site does not directly adjoin the A12 London – Ipswich Trunk road. It is set back from this highway and is separated from it by the slip road onto the A12 from Junction 28 of the M25 motorway.

The site is currently well screened with established boundary treatments (including substantial fencing and planting) and has substantial secure gates at the front where it has a boundary with the slip road.
Subject to the adoption of the Local Plan, the occupiers of the site will be expected to submit a planning application to ‘regularise’ the planning position with the site and to secure planning permission for its continued use for Gypsy and Traveller accommodation.

The Council will, of course, want to ensure that any sites which are approved for use as Gypsy and Traveller accommodation provide a satisfactory residential environment for the occupiers and have a satisfactory relationship with their wider surroundings including nearby communities.

It is intended that modified policy which will be in the adopted Local Plan will include comprehensive criteria intended to secure a satisfactory residential environment for occupiers of Gypsy and Traveller sites. The criteria will address such matters as layout of the site, provision of services and utilities, boundary treatment(s), provision of opportunities for healthy lifestyles and safe access to highways. These criteria will be retained in the further modifications to the policy as required by the Inspector.

The Council considers that through the implementation of the policy and the consideration of the requisite planning application for the households to use this site for residential purposes, it will be able to ensure that the occupiers of the site are able to enjoy a satisfactory residential environment.

It is noted that the Regulation 19 response from Highways England refers to the proposed scheme for Junction 28 of the M25 where it joins the A12 Trunk Road.

The Council has been closely engaged with Highways England on the preparation of the Development Consent Order application for this scheme for several years. The Council has commented on earlier public consultation on the preliminary proposals.

Although the ‘red-line’ boundary for the scheme skirts the southern side of the A12 carriageway, it is understood by the Council that, at this stage, the M25 Junction 28 improvement proposals do not involve any land on the south side of the A12 and do not involve any works to the slip road from the M25 where it joins the A12. The proposals for the junction improvement will not directly affect the Gypsy and Traveller households resident on the Putwell Bridge site.

At no stage during the discussions on this project has Highways England identified issues with the Putwell Bridge Gypsy and Traveller site affecting the proposed junction improvements. It is understood that Highways England has recently indicated its intention to engage with the residents on the site as the work on the proposal progresses.

Having regard to these circumstances, it is the view of the Council that the Local Plan as it is proposed to be modified in regard to Policy 11 will adequately secure a satisfactory residential environment for the occupiers of the site. The Council also considers that the Gypsy and Traveller site will not impact on the proposed delivery of the Junction 28 M25 improvements should that scheme be implemented in due course.

**Policy 36 Low carbon design, decentralised energy and wind energy**

The Regulation 19 response from Highways England also referred to Policy 36 of the Havering Local Plan. It is noted that Highways England did not attend the Examination hearings nor did it submit a statement on this matter.

The Regulation 19 representation from Highways England sought to have an area to the north-west of Junction 28 of the M25 which the Council had identified in an evidence base document for the Local Plan as suitable for wind energy development removed or annotated to clarify that
the allocation would not come forward until after 2021. The evidence base document is Local Plan Wind Resource Evidence Base (September 2016) (reference: LBHLP.23).

The Council wishes to note that it has responded previously on this matter when it was raised in the Matters and Questions ahead of the October 2018 Examination hearings.

At that time, the Council responded in September 2018 by means of a written statement to Matter 10 Green Places. For convenience, an extract from that response is included as Appendix 1 to this response.

The Council would wish to highlight three key points which it considers relevant to the Inspector’s latest questions. The response:

- notes that the identification of sites with potential for wind energy does not imply Council support for proposals in these areas
- emphasises that the Council will engage with key stakeholders such as Highways England
- notes that the Council will ensure that the on-going work on the proposed improvements to Junction 28 of the M25 will be taken into account in considering any planning applications for wind turbines in this area in the event that they are submitted

Following discussions with the Inspector at the Examination hearings in October 2018 (Matter 10 on October 18 2019), the Council agreed that the draft Proposed Main Modifications to the Local Plan should include a modification to Policy 36 which specifically addresses highway safety. This was included to respond to the comments from Highways England.

As mentioned above, the Council is closely engaged with Highways England on the preparation of the junction improvement scheme for Junction 28 of the M25.

It is understood that Highways England has not raised any concerns about the identification of the area suitable for wind energy through these discussions.

The Council has indicated that it is engaging with Highways England to ensure that the above commentary is reflected in a revised and updated MoU with Highways England. It is the Council’s aim to ensure that this is completed as promptly as possible to assist the Examination into the Local Plan. It is suggested that if the revised MoU cannot be secured in reasonable time, then it should be recognised that Highways England are satisfied that their comments have been addressed as set out above.
Extract from Havering Response to Matter 10 Green Places (September 2018)

Matter 10 - Green Places (Policy 36): concerns regarding the allocation of land suitable for wind energy development. Please provide a site map giving details of the location of this site.

3.1. Highways England (reference: LPREG19-227) have expressed concerns that one of the areas identified as suitable for wind energy development on the proposals map (attached as Annex 1) includes land that has been recently been announced as part of a scheme to upgrade Junction 28 of the M25 (see Annex 2 for a map of the proposed scheme boundary).

3.2. Highways England have asked the Council to remove or annotate this Area Suitable for Wind Development to recognise that that the proposed allocation for the junction upgrade will come forward after 2021 and that wind turbines are therefore not suitable for this area.

3.3. The Council undertook the preparation of a Local Plan Wind Resource Study (2016) (reference: LBHLP.23) to support the preparation of the Local Plan in accordance with the requirements set out in the Ministerial Statement (HCWS42).

3.4. As a result, a number of potential sites for wind turbines have been identified in the evidence base document supporting the Local Plan. Identification of these sites in this document does not imply or constitute support from the Council for the wind turbine proposals.

3.5. Paragraphs 12.8.4-12.8.6 of the Local Plan (reference: LBHLP.1.2) make clear that proposals must satisfy planning policy requirements and be able to demonstrate that they have addressed community concerns.

3.6. Policy 36 makes it clear that any proposals for wind turbines have to be subjected to meaningful pre-application consultation with the affected local community. This would also include stakeholders such as Highways England.

3.7. The Council is fully aware of the scheme being developed by Highways England and that this will be subject to a Development Consent Order (DCO). The Council is fully engaged with Highways England as it is developing its proposals for the improvement of Junction 28 of the M25 motorway. This would be taken into consideration in the event that any planning applications for wind turbines within the red line boundary of the J28/M25 scheme were brought forward.